

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FRANK SLUPSKI,** :  
:  
**Plaintiff,** :  
:  
**v.** :  
:  
**NATIONWIDE MUTUAL INSURANCE** :  
**COMPANY,** :  
:  
**Defendant.** :

**ORDER**

**AND NOW**, this 14th day of July 2021, upon consideration of Defendant Nationwide Mutual Insurance Company's Motion for Summary Judgment (ECF 35), Plaintiff Frank Slupski's Motion for Partial Summary Judgment (ECF 37), and the opposing responses to both Motions (ECFs 39 and 41), **IT IS HEREBY ORDERED AND DECREED** that:<sup>1</sup>

1. Defendant's Motion for Summary Judgment is **GRANTED** as to the statutory bad faith claim of Count III in the Complaint;
2. Summary Judgment is **DENIED** as to the common law bad faith claim of Count III, and;
3. Plaintiff's Motion for Partial Summary Judgment on stacking issues is **DENIED AS MOOT**, as it relates to a count only present in the rejected Amended Complaint.

**BY THE COURT:**

**/s/ Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**

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<sup>1</sup> This Order accompanies the Court's Memorandum Opinion dated July 14, 2021